

**MANDATE IN
FRANK CASE**

**DUE HERE IN
FEW DAYS**

Action of Supreme
Court May

Put the Case Up to
Gov-

ernor Slaton

With the handing down Wednesday by the United States Supreme Court of its Mandate in the Frank Case, it became quite likely that Frank's Petition for Executive Clemency—a Commutation of the Death Sentence to one of Life Imprisonment—would be passed upon by Governor Slaton before he goes out of Office about the middle of June.

The Mandate of the Supreme Court is expected to reach O.C. Fuller, the Clerk of the Federal District Court in Atlanta, on Thursday or Friday by the latest. He will take it to Judge W. T. Newman, of that Court, who will make it the Mandate of the District Court, immediately after which Solicitor Hugh M. Dorsey will be notified and the State Courts will be at liberty to Resentence Frank, which will be done by Judge Ben H. Hill upon an Application of Habeas Corpus by the Solicitor.

As soon as Frank is resentenced, the State Prison Commission, before whom his Application for Executive Clemency is pending, will take cognizance of the Application, and set a date for a Hearing. It is expected that the Resentencing of Frank will occur either on Saturday or Monday.

SPECIAL SESSION LIKELY.

The May term of the Prison Commission will end on Saturday, and unless a Special Session is held to consider the Frank Application, it will go over to the June term, which begins on Monday, June 7, and continues for a week.

However, because of the unusually lengthy Record in the Frank Case and the fact that it is expected that two or three days may be required for the Hearing, as well as because of the further fact that the June Calendar of the Commission promises to be a heavy one, it is more than probable that the Commission will hold a Special Called Session to consider the Frank Application.

In the event a Special Session is called, the Application will, in all likelihood, reach Governor Slaton. On the other hand, should the Application not be considered until the June Session, it is hardly probable that Governor Slaton will have sufficient time to go through the Record before his term as Governor expires. In such an event it may become necessary for him to grant Frank a respite so as to give Judge Nat E. Harris, the new Governor, time to pass upon his Application for a Commutation.

The handing down of the Supreme Court's Mandate on Wednesday was a surprise. It had been expected that the usual thirty days would elapse between the Court's Decision, and the handing down of the Mandate. Had this been done, it would not have come down until about May 20.

Washington dispatches state that the Rule was varied on motion of Frank's Counsel.

Commenting upon this Development, Wednesday afternoon Attorney H. A. Alexander, of Frank's Counsel, said:

"We have just been notified of the step taken in the Supreme Court. Mr. Louis Marshall has had and has full control of the Case in the Supreme Court. Frank's local Counsel were not advised that the reported step was to be taken, but we understand that it was simply to inform the Court that Counsel for Frank had no intention to apply for a Rehearing or to take any other step that might occasion delay, and that so far as they were concerned, they had no objection to the Mandate issuing at once."

"Those representing Frank's Application before the Prison Commission and the Governor have no desire to hasten or retard the Hearing before either the Prison Commission or the Governor."

They wish and expect the Application to take the usual and ordinary course.”
